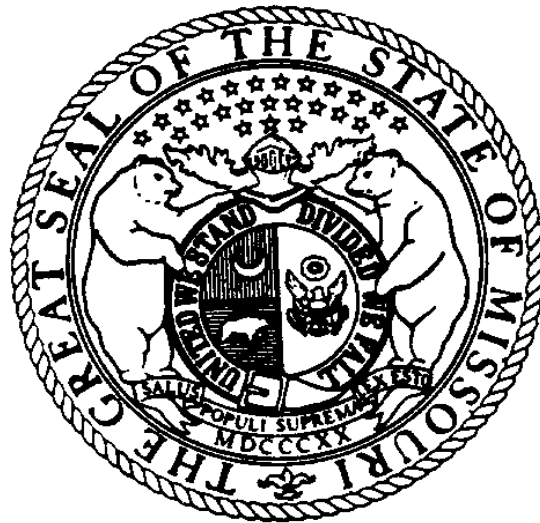


Report
of the
Joint Interim Committee
to Study the Effects of
Underage Drinking



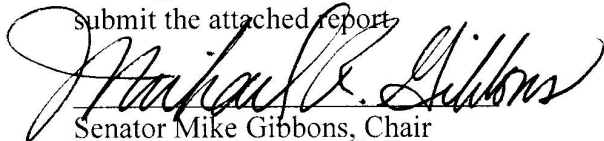
November 22, 2004

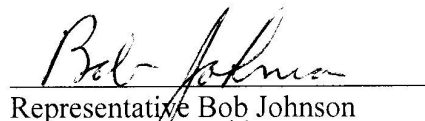
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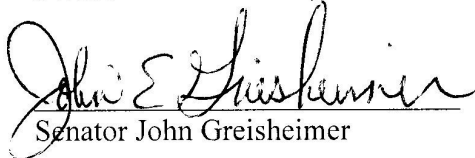
The Honorable Peter Kinder and
The Honorable Catherine Hanaway
State Capitol
Jefferson City, MO 65101

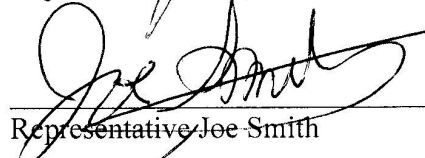
Dear Mr. President and Madame Speaker:

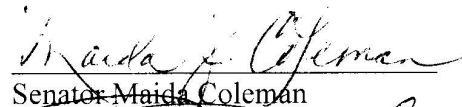
The Joint Interim Committee on Underage Drinking, acting pursuant to the House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Concurrent Resolution Number 36, has met, taken testimony, deliberated, and concluded its study on underage drinking in Missouri. The undersigned members of the Committee are pleased to submit the attached report.


Senator Mike Gibbons, Chair

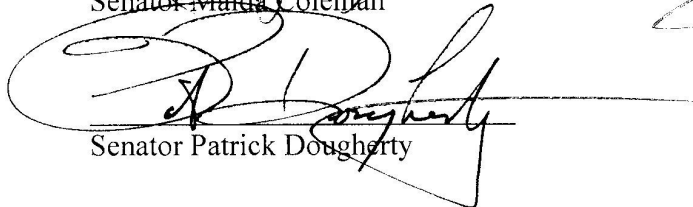

Representative Bob Johnson


Senator John Greisheimer


Representative Joe Smith


Senator Maids Coleman


Representative Gary Kelly


Senator Patrick Dougherty


Representative Ed Wildberger

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Recognizing the issue of underage drinking and its consequences, the General Assembly in 2004 passed House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Concurrent Resolution 36, sponsored by Senator Michael Gibbons, calling for the establishment of a Joint Committee on Underage Drinking. The Committee is charged with studying the current public and private efforts to combat underage drinking, evaluating their effectiveness, and making recommendations to the General Assembly.

II. Committee Activities

The President Pro Tem of the Senate appointed Senator Michael Gibbons, Senator John Griesheimer, Senator Maida Coleman, and Senator Patrick Dougherty to the Joint Interim Committee, with Senator Michael Gibbons selected as the Chair. The Speaker of the House appointed Representative Bob Johnson, Representative Joe Smith, Representative Gary Kelly, and Representative Ed Wildberger to the Joint Interim Committee.

Over the course of several weeks, the Joint Interim Committee on Underage Drinking held public hearings and solicited testimony regarding a wide range of issues related to underage drinking. Hearings were held at the following locations throughout the state:

- August 16, 2004 - State Capitol, Jefferson City
- August 30, 2004 - Lee's Summit School District Central Office, Lee's Summit
- September 13, 2004 - Hough Community Learning Center, Kirkwood
- September 16, 2004 - State Capitol, Jefferson City

The Committee heard testimony from an array of individuals and organizations including law enforcement, prosecutors, state and local governmental entities, private organizations, businesses associated with the alcohol industry, religious organizations, university officials, community coalitions, educators, high school students, court officials, and other interested parties. The Committee also received written statements and background materials from various individuals.

Additional meetings to formulate and complete the Committee's report were held on the following dates:

- October 18, 2004 - St. Louis Community College, St. Louis
- November 22, 2004 - State Capitol, Jefferson City

III. Background Information on Issue

After hearing extensive amounts of testimony and collecting information, it is apparent to the Committee that underage drinking is still a prevalent issue affecting the youth of Missouri. In addition to the effects that this problem has on the well-being of our young people, underage

drinking has a significant economic impact on the state of Missouri. Although data varies on exactly how much money is expended as a result of underage drinking, numerous studies indicate that it is extremely costly. According to information provided by the University of Missouri-Columbia Wellness Resource Center, the social cost of underage drinking in America is estimated at \$58.3 billion. This estimate from the Pacific Institute of Research and Evaluation includes the money spent as a result of traffic crashes, interpersonal violence, unintentional drownings, burns, suicides, fetal alcohol syndrome, alcohol poisonings, and treatment for alcohol abuse.¹ According to the same sources, the cost of underage drinking to the citizens of Missouri is approximately \$1.4 billion. These costs include \$114 million for medical costs, \$379 million for lost work and other costs, and \$931 million for pain and suffering costs.² As a result, \$2,497 per year are spent for each youth in the state and Missouri ranks eleventh for the cost of underage drinking.³

The costs of underage drinking can be seen throughout our society, especially on the roadways of our state. According to a formula used by the National Safety Council, the cost of drunk driving crashes involving young drivers in Missouri exceeds \$58 million. This figure includes the costs associated with fatalities, major disabling injuries, evident injuries, and probable injuries.⁴

For the fiscal year 2005, the Division of Alcohol and Tobacco Control is projecting \$1.4 million in enforcement costs. This total includes the Federal ASAP (Alcohol Safety and Awareness Prevention) program which is directed solely towards curbing underage drinking. \$900,000 will be spent on licensing, which includes server training education, and \$102,000 will be spent on administrative disciplinary procedures. The licensing and administrative discipline efforts serve as deterrents because the threat of losing one's license is so significant to licensees. Although not all of this money is targeted at underage drinking, the Division estimates that a major percentage of the efforts are directed at this problem.⁵

Despite the debate amongst interested parties regarding statistical data on underage drinking, there appears to be a consensus that the general use of alcohol by those under the age

¹The Price We Pay for the Privilege, Provided by the University of Missouri-Columbia Wellness Resource Center.

²Underage Drinking in Missouri: The Facts, Pacific Institute for Research and Evaluation, March 2004.

³Id.

⁴Provided by the Missouri Department of Transportation, Division of Highway Safety, reference to the National Safety Council, www.nsc.org.

⁵Provided by the Department of Public Safety, Division of Alcohol and Tobacco Control, October 7, 2004.

of twenty-one has declined over the past several years. The number of eighth, tenth, and twelfth graders who say they have used alcohol at least once has declined from ten years ago. According to the Kauffman Teen Survey, there has been a 14% and 12% decrease in the number of eighth and tenth graders respectively, who have admitted to drinking.⁶

In addition, the proportion of teens who say they have used alcohol in the past 30 days has declined during the past ten years as well. During the past ten years, the largest decline is amongst eighth graders, who showed a 28% decrease in use of alcohol during the past month. Despite the encouraging amount of decline, the percent of teenagers drinking remains significant. Approximately 30% of eighth graders, 42% of tenth graders, and 55% of twelfth graders reported drinking within the past 30 days.⁷

Some progress appears to have been made over the past several years among college students as well. According to the American Freshman Survey, the percentage of college freshmen who drink beer frequently or occasionally has decreased by 39%.⁸ However, other reports reveal that drinking on college campuses continues to thrive. 64.9% of full-time college students, from ages 18 to 22, reported using alcohol during the past month.⁹ Approximately 50% of young adults between the ages of 18 to 20 reported alcohol use during the past month.¹⁰

Despite the positive changes in the overall rate of underage drinking, there are aspects of the issue which remain or continue to grow increasingly worrisome. In particular, the decreasing age at which our youth begin to drink alcohol and the prevalence of binge drinking among minors are concerning.

Most individuals think of older high school and college students when the issue of underage drinking arises. However, data continues to accumulate which indicates that it is not just older students who are drinking. Instead, young children in junior high and even elementary school are beginning to drink. According to the Missouri Youth Adult Alliance, one-third of Missouri's youth begin drinking by the time they are twelve years old. The effect of such young underage drinking is apparent when looking at statistics from the St. Louis Drug Court.

⁶2004 Voices of Youth, Results of the 2002-2003 Kauffman Teen Survey, pg 81.

⁷Id, pg. 82.

⁸The American Freshman Survey, sponsored by UCLA and the American Council on Education and conducted by the Higher Education Research Institute at UCLA's Graduate School of Education & Information Studies (2003).

⁹2003 National Survey on Drug Use and Health, Substance Abuse and Mental Health Services Administration, U.S. Department of Health and Human Services.

¹⁰Reducing Underage Drinking: A Collective Responsibility, National Research Council Institute of Medicine (2004), pg. 42.

According to Commissioner James Sullivan, 57% of children who entered the court began using alcohol before the age of fourteen.¹¹ Based on such a statistic, it seems safe to assume that such a high rate of alcohol use among these children demonstrates a connection with other drug use and the possibility of additional problems arising. With such alarming use at a continually younger age, major efforts need to be focused on deterring underage drinking by younger children before they reach high school.

While there is a growing concern regarding the use of alcohol by young teens, they are not the only group affected by the consequences of alcohol. Statistics seem to support the conclusion that more and more college students are participating in binge drinking. According to the National Survey on Drug Use and Health, the term “binge drinking” is defined as having five or more drinks in one sitting at least once during the past 30 days and the national rate of binge drinking is 47.8% at age 21.¹² It appears that the decision to binge drink is not solely linked to age, but to college attendance as well. Binge drinking rates for full-time college students (statistic includes those who are 22) is 43.5% compared to 38.7% for other people between the ages of 18 to 22.¹³ When surveying Missouri college students who were under the age of 21, 48.9% reported binge drinking within the previous two weeks.¹⁴ According to information provided by the University of Missouri Wellness Resource Center, the effects of binge drinking can be devastating to a student’s personal life and academic career. Such effects are demonstrated by the following statistics, which include:

- 1 out of 3 underage Missouri college students have driven under the influence of drugs or alcohol
- 1 out of 6 underage Missouri college students have been injured due to their drinking
- 1 out 4 underage students have performed poorly on a test because of their drinking

Although with binge drinking emphasis is placed on college students, younger teens are participating in similar activities. In 2002, 28.6% of twelfth graders, 22.4% of tenth graders, and

¹¹Letter from Commissioner James Sullivan, St. Louis Drug Court.

¹²2003 National Survey on Drug Use and Health, Substance Abuse and Mental Health Services Administration, U.S. Department of Health and Human Services.

¹³Id.

¹⁴2004 CORE Alcohol and Drug Survey, supplied by the University of Missouri-Columbia Wellness Resource Center.

12.4% of eighth graders reported binge drinking within the past two weeks.¹⁵

In conclusion, data seems to support that progress has been made to reduce underage drinking nationally and in the state of Missouri. Yet despite a decrease in overall rates of underage drinking, the increasingly younger age at which children begin to drink, the increasing amount of alcohol being consumed by these minors, and the costly nature of this problem is concerning. With these problems remaining, state entities, private organizations, communities, law enforcement agencies, schools, and other interested parties continue to fight against the consequences and effects of underage drinking while, at the same time, attempting to deter such activity all together.

IV. Programs and Activities to Curb Underage Drinking

The committee heard testimony from students, parents, law enforcement organizations, and community groups about various activities and programs currently in place to curb underage drinking in local communities.

Students and Parents

Students, parents, and schools are frequently described as the front line in efforts to prevent underage drinking. Many of the programs currently in place to address underage drinking were developed by students with the particular needs of their school and community in mind.

In the Kansas City area, a group of 50 students from seven high schools make up the group Youth with Vision. This group, which works with officials from Tri-County Mental Health Services, provides positive alternatives to drinking for area students. They advocate the adoption of local ordinances, such as keg registration, to assist law enforcement agencies in their enforcement efforts. Youth with Vision also works on education and policy outreach projects, including a project called “Those Who Host Lose the Most” that targets individuals who purchase or provide alcohol for minors, as well as the “Safe Prom Partnership” which works with community and business groups to deter underage drinking at prom and graduation.

Representatives of three St. Louis County High Schools discussed the issue of underage drinking and the efforts in each of their schools to address the problem. Kirkwood High School’s resource officer has contact with students throughout the school day, and also holds regular meetings with parents to discuss their concerns. Because of these meetings, he developed an informational flyer about hosting a safe party that he distributes to parents. Webster Groves High School has a chapter of Students Against Destructive Decisions (S.A.D.D.). Students who participate in the group work to promote education about alcohol to

¹⁵Reducing Underage Drinking: A Collective Responsibility, National Research Council Institute of Medicine (2004), pg. 45.

their peers. Students at Lindbergh High School founded an organization to promote safe driving, which addresses the issue of drinking and driving. Lindbergh High School's principal also noted that the school participates in a character education initiative, and focuses on teaching respect and responsibility to students.

Colleges and universities also participate in programs to curb underage drinking. The University of Missouri has a variety of prevention programs that include speaking to parents and students about positive decision making and drinking, peer education programs, designated driver programs, and counseling intervention services.

Students from high schools around the state also talked about their experiences with underage drinking among their peers. Many said that their peers drink with the intention of getting drunk, and that underage drinking is widespread in their communities. They described drinking as a game for their peers, and noted that many of them enjoy the idea that they are doing something illegal. In some cases, students don't think about the consequences or legality of underage drinking. Some students use drinking as a way to cope with the stresses of high school, and others use it because it lowers their inhibitions and excuses behaviors that would otherwise be unacceptable.

The students indicated that it is not difficult to get access to alcohol, and many indicated that most upperclass students (juniors and seniors) drink alcohol. Older siblings and friends sometimes buy alcohol for underage siblings, and some students use their older siblings' identification to purchase alcohol. Some students stated that parents provide alcohol for their children, believing that it is better for them to drink in a situation where the parent has some amount of control.

The committee asked students what could be done to deter their peers from drinking. The students suggested that local police should do the work of enforcing prohibitions on underage drinking in local communities. Some students noted that consequences don't seem to make much of a difference to some of their peers. Other students indicated that consequences that affect school and participation in extra-curricular activities would be effective deterrents for many students. To address the issue of older siblings and parents supplying alcohol for minors, the students suggested tougher penalties for those who supplied alcohol, and encouraged the promotion of education about alcohol among students.

Local Government and Law Enforcement

Local governments and law enforcement personnel are responsible for enforcing Missouri's minimum drinking age laws, and they work in partnership with the Missouri Highway Patrol and the Missouri Division of Alcohol and Tobacco Control to develop educational outreach programs throughout the state.

The Independence Police Department has had a coordinated alcohol effort since 1999, which is currently funded through a grant. The department has resource officers in schools, who

often intercept flyers advertising parties and contact the parents of the student hosting the party. The city of Independence has an ordinance that allows the municipal court to charge a minor with minor in possession even if he or she has consumed alcohol but does not have an alcoholic beverage in his or her hand. Compliance checks of businesses that sell alcohol have been the department's most successful enforcement mechanism. Of the 207 businesses that were checked, youth working with the police department were able to purchase alcohol at 81 businesses.

The Division of Regulated Industries in Kansas City is responsible for enforcing alcohol ordinances in the city. Kansas City has a tavern law that prevents anyone under the age of 18 from entering a bar or tavern. The Division does compliance checks on businesses two times a year, and also does compliance checks based on complaints from residents. Currently, the Division is working on a proposed ordinance that would prohibit anyone under the age of 21 from entering a package liquor store.

Three county prosecutors testified about local efforts in their jurisdictions to combat underage drinking. The Cole County Prosecuting Attorney described a new program that requires parents to attend a class and an impact panel with their child when the child receives a minor in possession. The program also requires an ignition interlock device to be installed in the vehicle if a minor is convicted of driving while intoxicated. The Platte County Prosecuting Attorney aggressively prosecutes minor in possession charges, and charges against adults who purchase alcohol for minors. The office also works with the Community 2000 teams in the Kansas City area to address problems with alcohol and drug use in the community.

In Greene County, the Prosecuting Attorney's Office formed an underage drinking task force with members of the community in 1999 to study the issue of underage drinking in the community and propose programs to deal with the problem. The Greene County Prosecutor has implemented a graduated sanctions program for alcohol offenders which requires participation by both the offender and his or her parents. Part of the program involves conducting an alcohol assessment on the offender, and an 8-hour class to educate offenders and their parents about the public health consequences associated with underage drinking. All alcohol offenses in Greene County go through the prosecuting attorney's office and are not handled by the municipal court. The prosecuting attorney's office works with schools and retailers during prom and graduation time, and sends letters to parents urging them to be vigilant during the holiday season and during prom. Fake I.D.s seized by law enforcement officers, retailers, or other sellers are sent to the prosecuting attorney, who sends a letter to the parents of the offender.

The Division of Liquor Control and the Missouri State Highway Patrol work on enforcement efforts statewide. The Highway Patrol sponsors DARE prevention programs that target students in middle schools. The Division of Liquor Control works with local law enforcement agencies and local businesses on projects such as server training, party patrol for events like Mardi Gras, the badges in business program, and joint enforcement teams. They provide educational materials that help servers and sellers detect fake I.D.s.

Businesses and Community Groups

Businesses and Community Groups testified about their efforts to promote awareness and prevent underage drinking. Beer Wholesalers work with retailers and sellers to provide information about identifying fake I.D.s, designated driver programs, and training for servers and sellers. During testimony, the beer wholesalers expressed frustration because schools were initially hesitant to use their resources and participate in their programs. To successfully reduce underage drinking, individuals and groups from all parts of the community, including the alcohol industry, schools, community groups, businesses, and government entities must cooperate and create a comprehensive approach using all of the available resources in order to reach our youth.

Community groups such as Healthy Communities St. Charles County and the Community 2000 Teams in the Kansas City area work with a community coalition of volunteers to curb underage drinking by targeting both students and parents and providing education and alternative activities. An effective community coalition includes representation from all sectors of the community, including business, education, law enforcement, faith community, elected officials, governmental agencies, parents, youth, and social service agencies. Most community coalitions, especially those that receive government and foundation funding, utilize evidence-based programs. By creating and implementing comprehensive plans with multiple strategies across multiple sectors, coalitions impact the issue of underage drinking while using resources wisely and avoiding duplication.

Throughout the hearings, the committee has accumulated an extensive amount of information and materials from community organizations regarding their various programs, projects, and objectives. This material will be available for reference and use by the Special Committee, which this committee recommends forming in order to further study issues relating to underage drinking.

V. Recommendations of the Committee

A. The Joint Interim Committee on Underage Drinking recommends that the following legislation be enacted during the 2005 legislative session:

1. Minor in Possession By Consumption (MIP)

Section 311.325, RSMo, provides that any person under the age of 21, who purchases or attempts to purchase, or has in his or her possession, any intoxicating liquor is guilty of a misdemeanor. This statute does not allow a minor to be charged with a misdemeanor for solely being in an intoxicated state. Therefore, although intoxicated, a minor is not in violation of the law, unless he or she is physically in possession of alcohol. After hearing testimony about the ease with which minors obtain alcohol and the serious consequences which result from drinking, the committee wishes to increase the likelihood of minors receiving a penalty for drinking even if they are not physically in possession of alcohol at the time of the arrest. *With the hope of decreasing the academic troubles, social misbehavior, physical injury, and other problems*

arising from underage drinking, the committee recommends that this loophole be closed and that modifications be made to the statute so that a minor will be guilty of a misdemeanor if he or she is visibly in an intoxicated condition, as defined by Section 577.001, RSMo, or has a detectable blood alcohol content.

2. Open House Parties - Allowing Minors to Drink

Currently, Section 311.310, RSMo, states that any person except a parent or guardian who shall procure for, sell, or give away, or otherwise supply alcohol to a person under the age of 21 shall be deemed guilty of a misdemeanor. There is no provision which prohibits an adult from allowing minors to drink alcohol on his or her property. During the course of the hearings, numerous individuals expressed concern over certain parents allowing their children to throw parties where alcohol is consumed. Many people feel that this condoning behavior by parents and other adults sends the wrong message to our youth that drinking alcohol is not an activity with serious social, academic, health, and legal consequences. *Therefore, the committee recommends that a provision be added which prohibits any owner, occupant, or other person or legal entity with a lawful right to the use and enjoyment of any property from knowingly allowing a minor to drink alcohol or knowingly failing to stop a minor from drinking alcohol on such property, unless such person allowing the minor to drink is his or her parent or guardian.*

3. Suspending a Minor's Driver's License for a Minor in Possession

Section 577.500, RSMo, requires a court to enter an order suspending or revoking the driving privileges of a person under the age of 21 for any alcohol related traffic offense or any offense involving the possession or use of alcohol committed while driving. The period of suspension for a first offense is 90 days and one year for subsequent offenses. However, there is currently no action that can be taken to suspend a minor's driver's license if he or she is found to be in violation of Section 311.325, RSMo, for the possession of alcohol. During the hearings several individuals, especially high school students, stated that taking away a minor's driver's license could be one of the most effective ways to deter underage drinking and possession of alcohol because it takes away an individual's freedom and ability to travel independently. *Thus, the committee recommends that a provision be added which requires that a minor's driver's license be suspended for a specified period of time if he or she is in violation of Section 311.325, RSMo, for the possession of alcohol. The committee also recommends that a provision be added which prohibits a minor, who receives a minor in possession while under the age of sixteen, from receiving his or her intermediate driver's license upon turning sixteen, and instead, delays the issuance of the license until a specified period of time has passed.*

The committee considered several time periods for which minors could have their licenses suspended and found more than one option to be viable. The time periods considered range from 30 days to one year. Also, the committee considered having the suspension period dependent on whether or not the minor has an intermediate driver's license issued pursuant to 302.178, RSMo, or a regular driver's license, as defined by Section 302.010, RSMo. Any person between the ages of 16 and 18 who is qualified to obtain a license instead receives an

intermediate license. The intermediate license allows an individual the same driving privileges as a regular license except that he or she cannot drive between 1:00 a.m. and 5:00 a.m., unless accompanied by certain people or if he or she is traveling from school, an educational program, a regular place of employment, or in emergency situations. The committee also considered delaying a minor's ability to receive a regular license upon turning 18 years of age if he or she receives a minor in possession violation while having an intermediate driver's license.

4. Increasing the penalty for persons who profit from manufacturing or selling fake identification cards

Currently, there is no statute that directly penalizes those who manufacture or sell fake identification cards to minors for the purpose of purchasing alcohol. Instead, this issue is dealt with indirectly in statute. Under Section 570.223, RSMo, a person commits identity theft when he or she "with the intent to deceive or defraud obtains, possesses, transfers, uses or attempts to obtain, transfer, or use, one or more means of identification not lawfully issued for his or her use." One could argue that individuals manufacturing and selling fake identification cards to minors are in violation of this section because their activity would likely qualify as transferring, obtaining, or using an identification card that is not lawfully for his or her use with the intent to deceive. However, Section 570.223, RSMo, has a specific exception stating that it is not applicable in situations where a person is obtaining an identity to buy alcoholic beverages. *Thus, the committee recommends that this exception be removed from the statute. In addition, the committee recommends that a provision be added which prohibits obtaining, transferring, or using an identification card in order to manufacture, provide, and sell it to a minor for the purpose of buying or obtaining alcohol.* By making such activity a class A misdemeanor, those convicted could be required to serve up to one year in jail and receive a fine of up to \$1,000. This penalty would be equivalent to other forms of identity theft when the amount of the theft or appropriation is \$500 or less.

5. Requiring school districts to have a policy outlining the consequences a student will encounter at school for underage drinking

During the hearing conducted by the committee, high school students emphasized how the possibility of losing school activity privileges would be a major deterrent against underage drinking for most students. They stated that for many students the threat of paying a fine and nothing else for a violation is not a significant consequence because they have disposable income from their part-time jobs or their parents pay the cost. However, they felt that the possibility of being kicked off the cheerleading squad, sports team, or other group activity would be a stiff punishment for an alcohol-related offense. *The committee recommends that legislation be enacted that requires each school district to develop a policy detailing the consequences that will result for a student at school if he or she is caught drinking alcohol both on or off school property and a penalty shall be created for school districts who fail to adopt such a policy.*

B. The Joint Interim Committee recommends dedicated funding for the Division of Alcohol and Tobacco Control.

Currently, the Division of Alcohol and Tobacco Control's budget is \$2.77 million dollars. The purpose of the Division is to ensure compliance with the liquor laws of the state, issue liquor licenses, collect revenue, and provide information and services to the citizens of Missouri and the alcohol beverage industry. Due to recent budget cuts, the ability of the Division to effectively fulfill its responsibilities has decreased. Before the budget cuts, the Division was comprised of six districts with a total of 49 agents. After the budget cuts, the Division is now comprised of three districts with only 35 agents remaining. As a result, fewer agents are attempting to effectively perform their jobs over a larger geographical area. *In order to restore the budget of the Division, the committee recommends that the liquor license fees collected be used and designated only for funding of the Division.*

- C. The Joint Interim Committee recommends that the Supervisor of the Division of Alcohol and Tobacco Control review the effectiveness of Section 311.082, RSMo, regarding keg registration.

Section 311.082, RSMo, requires each keg purchaser to present identification at the time of purchase and the retailer must record the date of sale, the size of the keg, any applicable keg identification number if available, the amount of container deposit, the name, address, and date of birth of the purchaser, and the form of identification presented by such purchaser. The purpose of this statute was to create a way to track individuals buying kegs of beer. For example, upon breaking up a keg party with minors in attendance, law enforcement will now be able to track who bought the provided keg. As a result, the individual who bought the keg can be held accountable for providing alcohol to minors at the party. During the hearings, several interest groups expressed concern that the keg registration statute is not as effective as it could be because there is no specified minimum amount for the deposit. Instead, retailers are allowed to determine what the deposit will be at their individual establishment. *Because this statute only recently became effective on July 1, 2004, the committee recommends that the Supervisor of the Division of Alcohol and Tobacco Control review the effectiveness of this statute. In particular, the committee is interested in knowing how this statute has decreased the number of keg parties with minors and how it is working as a deterrent to prevent adults from buying kegs for minors. Following the review, the Supervisor will provide the legislature with a report by March 1, 2005, detailing the effectiveness of the statute during its first six months of implementation and proposing suggestions to improve such effectiveness.*

- D. The Joint Interim Committee recommends that the Supervisor of the Division of Alcohol and Tobacco Control create mandatory training for those who sell and serve alcohol.

Currently, there are programs conducted by the beer industry, the Division of Alcohol and Tobacco Control, universities, and other organizations, that train individuals who are employed at establishments that serve or sell alcohol. These programs provide such individuals with information on several subjects, such as identifying a fake ID, using techniques to avoid selling to minors, identifying when a person is too intoxicated to be served more alcohol, and knowing when alcohol can be served and by whom. Several witnesses at the hearing stated that educating people who work in environments where minors can potentially obtain alcohol can be

a significant weapon against underage drinking. If servers and retail sellers are aware of who they are selling alcohol to and have the tools to prevent most sales to minors, the minors will have less access to alcohol through commercial establishments. *Although the Division of Alcohol and Tobacco Control currently offers voluntary training, the committee recommends that the Supervisor of the Division of Alcohol develop rules and regulations requiring retail sellers and restaurant and bar servers to complete training designed to deter underage drinking.*

- E. The Joint Interim Committee recommends that a Special Committee to Study the Effects of Underage Drinking be created.

The committee would consist of eight members, of which four shall be members of the Senate appointed by the President Pro Tem of the Senate, of which at least two shall be members of the minority party; and four shall be members of the House of Representatives, of which two shall be appointed by the Speaker of the House of Representatives and two of which shall be members of the minority party appointed by the Minority Floor Leader, with approval of the Speaker of the House of Representatives. The Joint Interim Committee recommends that the Special Committee continue to study the following subjects in order to make more educated and effective decisions regarding these areas during future legislative sessions. The Special Committee will issue a report by the end of the 2005 legislative session detailing the findings of the committee and its recommendations.

1. Prevention and Treatment Programs/Funding of Programs

The Department of Health and Senior Services, the Department of Mental Health, and the Department of Public Safety all coordinate programs aimed at preventing underage drinking. Witnesses suggested that these departments should work together to coordinate and publicize underage drinking prevention programs through the media in order to spread a message in all communities across the state. Other witnesses suggested that funding for existing programs, such as drug courts, be increased. In addition, the committee heard from numerous prevention and treatment programs that use a variety of methodologies, tactics, and resources to prevent underage drinking.

The Joint Interim Committee recommends that the Special Committee continue to study prevention programs, especially those specifically tailored for local communities and those that have a basis in research and a track record of success.

As part of this study, the Special Committee will research and discuss what the state's role should be in directing and funding prevention and treatment programs generally, evaluate the existing programs to decide which should receive state funding, and decide how to fund the programs that it finds to be the most beneficial and productive. The Special Committee will investigate and ensure that current programs are fully utilizing existing sources of funding such as grants when deciding what programs might be funded by state sources. In conjunction with this, the Special Committee will study the available funding sources, in order to know what sources exist to assist with these types of programs. For example, the Special Committee will

research to see what money is available from the general revenue fund, federal grants, and excise taxes, to fund prevention and treatment programs. During the hearing conducted by the Joint Committee, several witnesses stated that the excise tax on beer, wine and liquor in Missouri has not been increased since 1969 and suggested raising the excise tax as a way to curb underage drinking and as a funding source for prevention programs.

2. Compliance Checks

Currently, local law enforcement agencies in some communities use individuals who are under the age of 21 to conduct compliance checks on local businesses to determine whether the businesses are complying with laws regarding the sale of alcohol to minors. When a minor participating in the compliance check purchases an alcoholic beverage, the minor violates the law but prosecutors generally exercise their discretion and do not prosecute the minor involved in the compliance check. The committee discussed whether this practice sends a mixed message to students about trying to purchase alcohol with false identification. Some members of the committee also felt uncomfortable about using minors in compliance checks. *The Committee recommends that the legislature continue to study the issue of using minors in compliance checks, including determining whether any changes to state law are necessary to clarify the authority of prosecutors to not prosecute minors who participate in compliance checks.*

3. Community Service

Students testified about how many of the consequences and punishments for underage drinking do not serve as effective deterrents. In some cases, courts will waive requirements like community service if the offender pays a higher fine. Members of the committee suggested requiring mandatory community service for individuals who violate the prohibitions on underage drinking, while also raising the penalty and its accompanying fine for such an offense. Representative Joe Smith met with Karen Sieve of Healthy Communities, St. Charles County to develop some specific ideas and recommendations for community service. Representative Smith's recommendations are included in the appendix. *The Committee recommends that the legislature continue to study the issue of mandatory community service hours for all individuals who violate prohibitions on underage drinking.*

VI. Appendix

Current Laws Relating to Drinking and Minors

Graduated Driver's License

302.178. 1. Beginning January 1, 2001, any person between the ages of sixteen and eighteen years who is qualified to obtain a license pursuant to sections 302.010 to 302.340 may

apply for, and the director shall issue, an intermediate driver's license entitling the applicant, while having such license in his or her possession, to operate a motor vehicle of the appropriate class upon the highways of this state in conjunction with the requirements of this section. An intermediate driver's license shall be readily distinguishable from a license issued to those over the age of eighteen. All applicants for an intermediate driver's license shall:

- (1) Successfully complete the examination required by section 302.173;
- (2) Pay the fee required by subsection 3 of this section;
- (3) Have had a temporary instruction permit issued pursuant to subsection 1 of section 302.130 for at least a six-month period or a valid license from another state; and
- (4) Have a parent, grandparent, legal guardian, or, if the applicant is a participant in a federal residential job training program, a driving instructor employed by a federal residential job training program, sign the application stating that the applicant has completed at least twenty hours of supervised driving experience under a temporary instruction permit issued pursuant to subsection 1 of section 302.130, or, if the applicant is an emancipated minor, the person over twenty-one years of age who supervised such driving. For purposes of this section, the term "emancipated minor" means a person who is at least sixteen years of age, but less than eighteen years of age, who:

- (a) Marries with the consent of the legal custodial parent or legal guardian pursuant to section 451.080, RSMo;
- (b) Has been declared emancipated by a court of competent jurisdiction;
- (c) Enters active duty in the armed forces;
- (d) Has written consent to the emancipation from the custodial parent or legal guardian;

or

- (e) Through employment or other means provides for such person's own food, shelter and other cost-of-living expenses;

- (5) Have had no alcohol-related enforcement contacts as defined in section 302.525 during the preceding twelve months; and

- (6) Have no nonalcoholic traffic convictions for which points are assessed pursuant to section 302.302, within the preceding six months.

2. An intermediate driver's license grants the licensee the same privileges to operate that classification of motor vehicle as a license issued pursuant to section 302.177, except that no person shall operate a motor vehicle on the highways of this state under such an intermediate driver's license between the hours of 1:00 a.m. and 5:00 a.m. unless accompanied by a person described in subsection 1 of section 302.130; except the licensee may operate a motor vehicle without being accompanied if the travel is to or from a school or educational program or activity, a regular place of employment or in emergency situations as defined by the director by regulation. Each intermediate driver's license shall be restricted by requiring that the driver and all passengers in the licensee's vehicle wear safety belts at all times. This safety belt restriction shall not apply to a person operating a motorcycle.

3. Notwithstanding the provisions of section 302.177 to the contrary, the fee for an intermediate driver's license shall be five dollars and such license shall be valid for a period of two years.

4. Any intermediate driver's licensee accumulating six or more points in a twelve-month period may be required to participate in and successfully complete a driver-improvement

program approved by the director of the department of public safety. The driver-improvement program ordered by the director of revenue shall not be used in lieu of point assessment.

5. (1) An intermediate driver's licensee who has, for the preceding twelve-month period, had no alcohol-related enforcement contacts, as defined in section 302.525 and no traffic convictions for which points are assessed, upon reaching the age of eighteen years may apply for and receive without further examination, other than a vision test as prescribed by section 302.173, a license issued pursuant to this chapter granting full driving privileges. Such person shall pay the required fee for such license as prescribed in section 302.177.

(2) If an intermediate driver's license expires on a Saturday, Sunday, or legal holiday, such license shall remain valid for the five business days immediately following the expiration date. In no case shall a licensee whose intermediate driver's license expires on a Saturday, Sunday, or legal holiday be guilty of an offense of driving with an expired or invalid driver's license if such offense occurred within five business days immediately following an expiration date that occurs on a Saturday, Sunday, or legal holiday.

(3) The director of revenue shall deny an application for a full driver's license until the person has had no traffic convictions for which points are assessed for a period of twelve months prior to the date of application for license or until the person is eligible to apply for a six-year driver's license as provided for in section 302.177, provided the applicant is otherwise eligible for full driving privileges. An intermediate driver's license shall expire when the licensee is eligible and receives a full driver's license as prescribed in subdivision (1) of this section.

6. No person upon reaching the age of eighteen years whose intermediate driver's license and driving privilege is denied, suspended, canceled or revoked in this state or any other state, for any reason may apply for a full driver's license until such license or driving privilege is fully reinstated. Any such person whose intermediate driver's license has been revoked pursuant to the provisions of sections 302.010 to 302.540 shall, upon receipt of reinstatement of the revocation from the director, pass the complete driver examination, apply for a new license, and pay the proper fee before again operating a motor vehicle upon the highways of this state.

7. A person shall be exempt from the intermediate licensing requirements if the person has reached the age of eighteen years and meets all other licensing requirements.

8. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2000, shall be invalid and void.

Keg Registration

311.082. 1. As used in this section, the following terms shall mean:

(1) "Keg", any container capable of holding four gallons or more of beer, wine, or intoxicating liquor and which is designed to dispense beer, wine, or intoxicating liquor directly from the container for purposes of consumption;

(2) "Supervisor of alcohol and tobacco control", the person appointed pursuant to section

311.610.

2. Each keg sold at retail for off-premise consumption shall be labeled with the name and address of the retail licensee and an identification number. The division of alcohol and tobacco control may prescribe the form of the labels to be used for this purpose. The label shall be affixed to a recyclable tag that is attached to the handle on the top chime of the keg. The label and recyclable tag shall be supplied by the division of alcohol and tobacco control without fee and securely affixed to the keg by the licensee making the sale.

3. Each retail licensee shall require each keg purchaser to present positive identification at the time of purchase. The licensee shall record for each keg sale the date of sale, the size of keg, any applicable keg identification number if available, the amount of container deposit, the name, address, and date of birth of the purchaser, and the form of identification presented by such purchaser. The purchaser shall sign a statement at the time of purchase attesting to the accuracy of the purchaser's name and address and acknowledging that misuse of the keg or its contents may result in civil liability, criminal prosecution, or both. The licensee shall retain the identification form for a minimum of three months following the sale of the keg.

4. The licensee shall not refund a deposit for a keg that is returned without the required label and identification number intact and legible. The licensee shall record the date of return of the keg and the condition of the label and identification number on the identification form required pursuant to subsection 2 of this section. The licensee may retain any deposit not refunded for this reason. Upon the return of a properly labeled keg from a consumer, the licensee shall remove the tag from the keg and retain such tag with the identification form as required pursuant to subsection 2 of this section. This requirement shall not apply to permanent identification numbers or other forms of identification placed on the keg by a manufacturer.

5. The supervisor shall promulgate rules and regulations for the administration of this section and shall design all necessary forms. No rule, regulation, or portion of a rule or regulation promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to chapter 536, RSMo.

6. The provisions of this section shall become effective on July 1, 2004.

7. This section shall fully preempt and supersede any ordinances, rules, or regulations made by any city, county, or other political subdivision of the state of Missouri which regulate the selling, labeling, or registering of kegs. This section shall not impose any new or additional civil or criminal liability upon the retail licensee.

Sale to Minors

311.310. Any licensee under this chapter, or his employee, who shall sell, vend, give away or otherwise supply any intoxicating liquor in any quantity whatsoever to any person under the age of twenty-one years, or to any person intoxicated or appearing to be in a state of intoxication, or to a habitual drunkard, and any person whomsoever except his parent or guardian who shall procure for, sell, give away or otherwise supply intoxicating liquor to any person under the age of twenty-one years, or to any intoxicated person or any person appearing to be in a state of intoxication, or to a habitual drunkard, shall be deemed guilty of a misdemeanor, except that this section shall not apply to the supplying of intoxicating liquor to a person under the age of twenty-one years for medical purposes only, or to the administering of such

intoxicating liquor to any person by a duly licensed physician. No person shall be denied a license or renewal of a license issued under this chapter solely due to a conviction for unlawful sale or supply to a minor when serving in the capacity as an employee of a licensed establishment.

Misrepresentation of Age By Minor to Obtain Liquor

311.320. 1. Any person of the age of seventeen years and under the age of twenty-one years who shall represent that he has attained the age of twenty-one years for the purpose of purchasing, asking for or in any way receiving any intoxicating liquor, except in cases authorized by law, shall upon conviction be deemed guilty of a misdemeanor. Any person under the age of seventeen years who shall represent that he has attained the age of twenty-one years for the purpose of purchasing, asking for or in any way receiving any intoxicating liquor, except in cases authorized by law, may be considered a delinquent child and may be dealt with in accordance with the provisions of chapter 211, RSMo.

2. In addition to any other penalties established in subsection 1 of this section and established in sections 577.500 to 577.530, RSMo, any person who is less than twenty-one years of age who uses a reproduced, modified or altered chauffeur's license, motor vehicle operator's license, identification card issued by any uniformed service of the United States, passport or identification card established in section 302.181, RSMo, for the purpose of purchasing, asking for or in any way receiving any intoxicating liquor, shall be guilty of a misdemeanor and shall be subject to a fine of five hundred dollars for each separate offense.

Purchase or Possession by Minor

311.325. 1. Any person under the age of twenty-one years, who purchases or attempts to purchase, or has in his possession, any intoxicating liquor as defined in section 311.020 is guilty of a misdemeanor. For purposes of prosecution under this section or any other provision of this chapter involving an alleged illegal sale or transfer of intoxicating liquor to a person under twenty-one years of age, a manufacturer-sealed container describing that there is intoxicating liquor therein need not be opened or the contents therein tested to verify that there is intoxicating liquor in such container. The alleged violator may allege that there was not intoxicating liquor in such container, but the burden of proof of such allegation is on such person, as it shall be presumed that such a sealed container describing that there is intoxicating liquor therein contains intoxicating liquor.

2. For purposes of determining violations of any provision of this chapter, or of any rule or regulation of the supervisor of alcohol and tobacco control, a manufacturer-sealed container describing that there is intoxicating liquor therein need not be opened or the contents therein tested to verify that there is intoxicating liquor in such container. The alleged violator may allege that there was not intoxicating liquor in such container, but the burden of proof of such allegation is on such person, as it shall be presumed that such a sealed container describing that there is intoxicating liquor therein contains intoxicating liquor.

Dram Shop Liability for those serving people under 21 years of age

537.053. 1. Since the repeal of the Missouri Dram Shop Act in 1934 (Laws of 1933-34, extra session, page 77), it has been and continues to be the policy of this state to follow the

common law of England, as declared in section 1.010, RSMo, to prohibit dram shop liability and to follow the common law rule that furnishing alcoholic beverages is not the proximate cause of injuries inflicted by intoxicated persons.

2. Notwithstanding subsection 1 of this section, a cause of action may be brought by or on behalf of any person who has suffered personal injury or death against any person licensed to sell intoxicating liquor by the drink for consumption on the premises when it is proven by clear and convincing evidence that the seller knew or should have known that intoxicating liquor was served to a person under the age of twenty-one years or knowingly served intoxicating liquor to a visibly intoxicated person.

3. For purposes of this section, a person is "visibly intoxicated" when inebriated to such an extent that the impairment is shown by significantly uncoordinated physical action or significant physical dysfunction. A person's blood alcohol content does not constitute prima facie evidence to establish that a person is visibly intoxicated within the meaning of this section, but may be admissible as relevant evidence of the person's intoxication.

4. Nothing in this section shall be interpreted to provide a right of recovery to a person who suffers injury or death proximately caused by the person's voluntary intoxication unless the person is under the age of twenty-one years. No person over the age of twenty-one years or their dependents, personal representative, and heirs may assert a claim for damages for personal injury or death against a seller of intoxicating liquor by the drink for consumption on the premises arising out of the person's voluntary intoxication.

5. In an action brought pursuant to subsection 2 of this section alleging the sale of intoxicating liquor by the drink for consumption on the premises to a person under the age of twenty-one years, proof that the seller or the seller's agent or employee demanded and was shown a driver's license or official state or federal personal identification card, appearing to be genuine and showing that the minor was at least twenty-one years of age, shall be relevant in determining the relative fault of the seller or seller's agent or employee in the action.

6. No employer may discharge his or her employee for refusing service to a visibly intoxicated person.

Identity Theft

570.223. 1. A person commits the crime of identity theft if he or she knowingly and with the intent to deceive or defraud obtains, possesses, transfers, uses, or attempts to obtain, transfer or use, one or more means of identification not lawfully issued for his or her use.

2. The term "means of identification" as used in this section includes, but is not limited to, the following:

- (1) Social Security numbers;
- (2) Drivers license numbers;
- (3) Checking account numbers;
- (4) Savings account numbers;
- (5) Credit card numbers;
- (6) Debit card numbers;
- (7) Personal identification (PIN) code;
- (8) Electronic identification numbers;
- (9) Digital signatures;

(10) Any other numbers or information that can be used to access a person's financial resources;

- (11) Biometric data;
- (12) Fingerprints;
- (13) Passwords;
- (14) Parent's legal surname prior to marriage;
- (15) Passports; or
- (16) Birth certificates.

3. A person found guilty of identity theft shall be punished as follows:

- (1) Identity theft or attempted identity theft which does not result in the theft or appropriation of credit, money, goods, services, or other property is a class B misdemeanor;
- (2) Identity theft which results in the theft or appropriation of credit, money, goods, services, or other property not exceeding five hundred dollars in value is a class A misdemeanor;
- (3) Identity theft which results in the theft or appropriation of credit, money, goods, services, or other property exceeding five hundred dollars and not exceeding ten thousand dollars in value is a class C felony;

(4) Identity theft which results in the theft or appropriation of credit, money, goods, services, or other property exceeding ten thousand dollars and not exceeding one hundred thousand dollars in value is a class B felony;

(5) Identity theft which results in the theft or appropriation of credit, money, goods, services, or other property exceeding one hundred thousand dollars in value is a class A felony.

4. In addition to the provisions of subsection 3 of this section, the court may order that the defendant make restitution to any victim of the offense. Restitution may include payment for any costs, including attorney fees, incurred by the victim:

- (1) In clearing the credit history or credit rating of the victim; and
- (2) In connection with any civil or administrative proceeding to satisfy any debt, lien, or other obligation of the victim arising from the actions of the defendant.

5. In addition to the criminal penalties in subsections 3 and 4 of this section, any person who commits an act made unlawful by subsection 1 of this section shall be liable to the person to whom the identifying information belonged for civil damages of up to five thousand dollars for each incident, or three times the amount of actual damages, whichever amount is greater. A person damaged as set forth in subsection 1 of this section may also institute a civil action to enjoin and restrain future acts that would constitute a violation of subsection 1 of this section. The court, in an action brought under this subsection, may award reasonable attorneys' fees to the plaintiff.

6. If the identifying information of a deceased person is used in a manner made unlawful by subsection 1 of this section, the deceased person's estate shall have the right to recover damages pursuant to subsection 5 of this section.

7. Civil actions under this section must be brought within five years from the date on which the identity of the wrongdoer was discovered or reasonably should have been discovered.

8. Civil action pursuant to this section does not depend on whether a criminal prosecution has been or will be instituted for the acts that are the subject of the civil action. The rights and remedies provided by this section are in addition to any other rights and remedies provided by law.

9. This section and section 570.224 shall not apply to the following activities:

(1) A person obtains the identity of another person to misrepresent his or her age for the sole purpose of obtaining alcoholic beverages, tobacco, going to a gaming establishment, or another privilege denied to minors;

(2) A person obtains means of identification or information in the course of a bona fide consumer or commercial transaction;

(3) A person exercises, in good faith, a security interest or right of offset by a creditor or financial institution;

(4) A person complies, in good faith, with any warrant, court order, levy, garnishment, attachment, or other judicial or administrative order, decree, or directive, when any party is required to do so;

(5) A person is otherwise authorized by law to engage in the conduct that is the subject of the prosecution.

10. Notwithstanding the provisions of subdivision (1) or (2) of subsection 3 of this section, every person who has previously pled guilty to or been found guilty of identity theft or attempted identity theft, and who subsequently pleads guilty to or is found guilty of identity theft or attempted identity theft of credit, money, goods, services, or other property not exceeding five hundred dollars in value is guilty of a class D felony and shall be punished accordingly.

11. The value of property or services is its highest value by any reasonable standard at the time the identity theft is committed. Any reasonable standard includes, but is not limited to, market value within the community, actual value, or replacement value.

12. If credit, property, or services are obtained by two or more acts from the same person or location, or from different persons by two or more acts which occur in approximately the same location or time period so that the identity thefts are attributable to a single scheme, plan, or conspiracy, the acts may be considered as a single identity theft and the value may be the total value of all credit, property, and services involved.

Chapter Definitions

577.001. 1. As used in this chapter, the term "drive", "driving", "operates" or "operating" means physically driving or operating a motor vehicle.

2. As used in this chapter, a person is in an "intoxicated condition" when he is under the influence of alcohol, a controlled substance, or drug, or any combination thereof.

3. As used in this chapter, the term "law enforcement officer" or "arresting officer" includes the definition of law enforcement officer in subdivision (17) of section 556.061, RSMo, and military policemen conducting traffic enforcement operations on a federal military installation under military jurisdiction in the state of Missouri.

4. As used in this chapter, "substance abuse traffic offender program" means a program certified by the division of alcohol and drug abuse of the department of mental health to provide education or rehabilitation services pursuant to a professional assessment screening to identify the individual needs of the person who has been referred to the program as the result of an alcohol or drug related traffic offense. Successful completion of such a program includes participation in any education or rehabilitation program required to meet the needs identified in the assessment screening. The assignment recommendations based upon such assessment shall be subject to judicial review as provided in subsection 7 of section 577.041.

Revocation of licenses for those people under 21 years of age

577.500. 1. A court of competent jurisdiction shall, upon a plea of guilty, conviction or finding of guilt, or, if the court is a juvenile court, upon a finding of fact that the offense was committed by a juvenile, enter an order suspending or revoking the driving privileges of any person determined to have committed one of the following offenses and who, at the time said offense was committed, was under twenty-one years of age:

(1) Any alcohol related traffic offense in violation of state law or a county or, beginning July 1, 1992, municipal ordinance, where the judge in such case was an attorney and the defendant was represented by or waived the right to an attorney in writing;

(2) Any offense in violation of state law or, beginning July 1, 1992, a county or municipal ordinance, where the judge in such case was an attorney and the defendant was represented by or waived the right to an attorney in writing, involving the possession or use of alcohol, committed while operating a motor vehicle;

(3) Any offense involving the possession or use of a controlled substance as defined in chapter 195, RSMo, in violation of the state law or, beginning July 1, 1992, a county or municipal ordinance, where the judge in such case was an attorney and the defendant was represented by or waived the right to an attorney in writing;

(4) Any offense involving the alteration, modification or misrepresentation of a license to operate a motor vehicle in violation of section 311.328, RSMo;

(5) Any offense in violation of state law or, beginning July 1, 1992, a county or municipal ordinance, where the judge in such case was an attorney and the defendant was represented by or waived the right to an attorney in writing, involving the possession or use of alcohol for a second time; except that a determination of guilt or its equivalent shall have been made for the first offense and both offenses shall have been committed by the person when the person was under eighteen years of age.

2. The court shall require the surrender to it of any license to operate a motor vehicle then held by any person against whom a court has entered an order suspending or revoking driving privileges under subsection 1 of this section.

3. The court, if other than a juvenile court, shall forward to the director of revenue the order of suspension or revocation of driving privileges and any licenses acquired under subsection 2 of this section.

4. (1) The court, if a juvenile court, shall forward to the director of revenue the order of suspension or revocation of driving privileges and any licenses acquired under subsection 2 of this section for any person sixteen years of age or older, the provision of chapter 211, RSMo, to the contrary notwithstanding.

(2) The court, if a juvenile court, shall hold the order of suspension or revocation of driving privileges for any person less than sixteen years of age until thirty days before the person's sixteenth birthday, at which time the juvenile court shall forward to the director of revenue the order of suspension or revocation of driving privileges, the provision of chapter 211, RSMo, to the contrary notwithstanding.

5. The period of suspension for a first offense under this section shall be ninety days. Any second or subsequent offense under this section shall result in revocation of the offender's driving privileges for one year.

Summary of the August 16th Hearing - Senate Committee Room #2, State Capitol

1. Keith Fuller, Director of Division of Alcohol and Tobacco Control, Missouri Department of Public Safety
2. Lt. Ed Moses, State DARE Coordinator, Missouri State Highway Patrol
3. Lt. Dwight Meseman, Missouri State Highway Patrol
4. Captain Hans Huenink, Missouri State Water Patrol
5. Tempe Humphrey, Youth Alcohol Coordinator, Missouri Department of Transportation, Division of Highway Safety
6. Bill Tackett, Cole County Prosecuting Attorney
7. Joan Masters, Coordinator of Partners in Prevention, Wellness Resource Center, University of Missouri-Columbia
8. Mr. Michael Couty, Director of the Division of Alcohol and Drug Abuse, Missouri Department of Mental Health
9. Ron Leone, Executive Director of the Missouri Petroleum Marketers & Convenience Store Association
10. Angela Hirsch, Mothers Against Drunk Driving
11. Alicia Ozenberger, Missouri Youth Adult Alliance
12. Paul Lewis, Missouri Association of Beverage Retailers

Summary of the August 30th Hearing - School District Central Offices, Lee's Summit

1. Vicky Ward, Tri-County Mental Health Services
2. Heidi Pratt & Brad Fisher, Students in Youth with Vision Program
3. Judy Hadley, Division of Regulated Industries, City of Kansas City
4. Sgt. Don Fowler, Independence Police Department
5. Darryll Moore, Greene County Prosecuting Attorney
6. Eric Zahnd, Platte County Prosecuting Attorney
7. Ron Griffin, National Council on Alcoholism & Drug Dependency
8. Gerrit Den Hartog, United Methodist Church, Missouri Conference
9. Mary Strate, Missouri Beer Wholesalers Association
10. Kathy & Paul Beykirch, County Distributing Company
11. Bill Nigro, Kansas City restaurant and bar owner

Summary of the September 13th Hearing - Hough Community Learning Center, Kirkwood

1. Mike Bales, Kirkwood High School Resource Officer
2. Alex Ricke & Melody Buckner, Kirkwood High School Students
3. Abby Rowe, Student Chair, SADD Webster Groves High School
4. Matt Brimer - Student Leader, RAD Lindbergh High School
5. Ron Helms, Principal, Lindbergh High School
6. Judy Owens, Character Plus Program
7. Commissioner James E. Sullivan, City of St. Louis Drug Court
8. Jeff Kushner, City of St. Louis Drug Court
9. Ed Tasch, National Council on Alcohol and Drug Abuse
10. Dan Duncan, National Council on Alcohol and Drug Abuse

11. Tom Gaither-Ganim, Educational Support Counsel for Kirkwood School District, Barnes Jewish Children's Hospital
12. Mike Boland, Missouri State Chairman, Mothers Against Drunk Driving
13. Alicia Ozenberger, Missouri Youth Adult Alliance
14. Karen Sieve, Healthy Communities, St. Charles County
15. Shawn Freeman, Grey Eagle Distributing Company, St. Louis

Summary of the September 16th Hearing - Senate Lounge, State Capitol

1. John Kaestner, Anheuser-Busch Company
2. Gerrit Den Hartog, United Methodist Church, Missouri Conference
3. Kim Dude, Director of the Wellness Resource Center, University of Missouri - Columbia
4. Jamie Scott, ACT Missouri
5. Sarah Swank, Missouri Youth Adult Alliance
6. Mary Strate, Missouri Beer Wholesalers Association

Dear Underage Drinking Committee Members:

After meeting with Karen Sieve, the MPP Project Director Healthy Communities St. Charles County and consulting with the members of this organization, here are the recommendations for community services hours and jobs for underage drinkers in Missouri that we came up with.

- I. These community service hours have to be nonnegotiable and cannot be plea bargain out in our court system.
- II. If funding is a problem, the funds should come from the fines giving to the underage drinker to pay for their own community services hours.
- III. Community Services individuals should volunteer at hospitals with patients who have been injured in car accidents by drunk drivers or help out with families that have lost a love one due to a drunk driver accident. They should have to witness a family or something that has been impacted someone drinking.
- IV. Some of the community service volunteers that need to be worked, would be in head injury rehabs, or any type of drunk driving injury related rehabs...maybe that is too graphic a thing for the teens, but they need to see what can happen to them.
- V. The community service volunteer should do any kind of public, community work (example in the local parks).
- VI. Volunteer at the local USOs.
- VII. The underage drinker should lose driving license for at least 6 months and once they regain driving privileges they should help transport individuals in treatment for substance abuse, especially alcohol (if that individual has lost their license for drinking and driving). This becomes an issue for people who are trying to get to treatment but cannot due to their lack of transportation. It would be nice if the offenders' community service would entail driving people to treatment or taking them home, or driving them to AA meetings as needed in their recovery.
- VIII. Amount of hours of service should be left to court; (we consider: prior history, current offense and age of juvenile we have a range of 80 to 100 hours and because of the child labor laws, we will not place a juvenile unless he/she is at least 14 years of age). Anything less will be "gravy". Hopefully, this is for a first offense only!
- IX. Providing some immunity for any person-supervising individual doing community service or the organization where community service is being done.
- X. Many communities connect youthful drinking community service programs to something connected to the devastating results like working in a hospital emergency room during a weekend evenings, working at a rehab centers or a local correctional facility etc.

- XI.** Thoughts on community service for underage drinkers: Any and all physical work, cleaning road sides, working for the parks dept., habitat for humanity, is there a list of elderly people who need yard work, raking etc taken care of? Anything at group residential homes. Is there a need for volunteers to oversee the workers?
- XII.** Parents or guardians of the offenders need to be involved in the community service whether it be to provide transportation, assist in volunteering to oversee the work, in some way they need to be a part of it, maybe the inconvenience of it all could help parents realize how serious an issue underage drinking is.
- XIII.** The Boys and Girls Club takes people from the courts to perform community service. This might be a good place for a minor instead of some place where only adults are around.
- XIV.** Clean up and maintain the up keep of cemeteries (especially veterans cemeteries).
- XV.** The sanction needs to be both behavioral and cognitive. The behavioral part is actually doing something; picking up trash, doing community services around those areas that alcohol problems occur (a bar, a blighted area of a community, a treatment center, a hospital setting).
- XVI.** There are such things as Victims Impact Panels where offenders of DWIs are the audience and the presenters are members of individuals whom have been killed by a drunk driver, this could be a good idea - the community service could be setting up and cleaning up the event. Then within a week of the meeting the underage drinker should be required to work on the educational part of underage drinking by doing the community service in one of these meetings and the offender should write a paper about what they saw and how it has impacted their lives.
- XVII.** Here some other suggestions for community service hours that could be beneficial.
- Help out with Sobriety Checkpoints.
 - Gardening at Victims Memorial or any other memorial(s).
 - Work with MADD or SADD.
 - Write an education program targeting underage teens drinking and center it around what would have stopped him or her (the accused) from drinking underage.
 - Clean up around a bar/club/fair/parades.

Respectfully Yours,

Rep. Joe Smith

District 14

***** After discussing Rep. Smith's memo, the Committee believes that any development of community service requirements for minors who violate**

prohibitions against underage drinking should include the expungement of criminal records or imposition of a suspended sentence upon successful completion of the community service.